

above atmospheric pressure at a rate sufficient to cause said titanium dioxide pigment to compact before a substantial portion of said pressurization gas diffuses into said titanium dioxide pigment;  
removing said compacted titanium dioxide pigment from said container; and  
dispersing said deaerated titanium dioxide pigment in a liquid medium.

5. (Cancelled)

### Remarks

Applicant thanks the Examining Attorney for the telephone interviews conducted with the Examiner on July 21, 22 and 23, 2004. In conjunction with the telephone interviews, Applicant submitted "Proposed Examiner's Amendments," setting forth the amended claims which the Examiner agreed as being allowable. The Examiner prepared and mailed an Interview Summary, identifying the prior art discussed as that shown in the Notice of References Cited. The Examiner's Amendment accompanied the Interview Summary. Applicant submits that the Notice of References Cited contains an incorrectly cited reference and that the Examiner's Amendment contains inconsistencies and typographical or clerical errors that merit correction.

#### **I. Amendments in the Claims**

The Examiner's Amendment contains three inconsistencies or errors prompting Applicant's request for the above amendment. First, the Examiner's Amendment in claim 4, line 3 provides for the insertion of the phrase "in a fluid energy mill" after the word "powder." However, the word "powder" does not appear in line 3. Thus, the Examiner's Amendment should have provided for the insertion of the phrase "in a fluid energy mill" after the word "pigment."

Second, the Examiner's Amendment substitutes the word "pigment" for the word "powder" in lines 6, 8, 9, and 10 but substitutes the phrase "titanium dioxide pigment" for the word "powder" in line 11. Applicant submits that using the phrase "titanium dioxide pigment" instead of "pigment" in lines 6, 8, 9, 10, and 11 as well as in line 12 would offer greater consistency and clarify the scope of the claim.

Finally, Applicant requests that the word "and" in line 6 be deleted. Applicant previously proposed this amendment in the "Proposed Examiner's Amendments" transmitted to the Examiner. This proposed deletion, however, was inadvertently overlooked in the Examiner's Amendment.

None of the amendments requested above narrows the scope of claim 4. The requested amendments are merely for grammatical purposes and to clarify the scope of the claim. The proposed amendments would not require any additional search or examination, and the claims as amended would be patentable. Consequently, Applicant requests that the Examiner enter the above amendments.

## **II. Notice of Incorrect Citation of References and Interview Summary**

The Examiner initiated telephone interviews conducted on July 21, 22 and 23, 2004. The references discussed during the telephone interview of July 23, 2004, were U.S. Patent No. 6,139,617 issued to Halko et al., U.S. Patent No. 5,749,401 issued to Shinya et al. and U.S. Patent No. 4,859,640 issued to Newkirk. Applicant presented arguments that there is no incentive to combine these prior art references and, more importantly, even if such a combination were supportable, the cited references do not teach or suggest a modification of the prior art to yield the claimed invention. The Examining Attorney found Applicant's arguments persuasive.

The Examiner prepared an Interview Summary, indicating that the interviews were conducted on July 21 and 22, 2004. Applicant submits that a telephone interview was also conducted on July 23, 2004. In connection with the Interview Summary, the Examining Attorney prepared a Notice of References Cited. Therein, the Examiner cited U.S. Patent No. 4,859,401 issued to Murase et al instead of U.S. Patent No. 4,859,640 issued to Newkirk. Murase discloses a nuclear reactor with an emergency core cooling structure; this reference does not appear to be relevant to the instant invention. The Notice of References Cited omitted the Newkirk reference discussed during the interview. Pursuant to MPEP 707.05(g), Applicant requests that the Notice of References Cited be corrected to substitute the Newkirk reference for the Murase reference.

In response to the Examiner's statement for reasons of allowance, it is respectfully submitted that the Examiner's statement is not taken as limiting of other distinctions which may exist in the claims. Further, as noted above, the cited prior art referred to in the Examiner's statement should include the references in the corrected Notice of References Cited, including U.S. Patent No. 4,859,640 issued to Newkirk.


#### Conclusion

Entry and consideration of this amendment are respectfully requested. In addition, Applicant requests that the Examiner correct the Notice of References Cited to substitute U.S. Patent No. 4,859,640 (Newkirk) for U.S. Patent No. 4,859,401 (Murase).

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 16, 2004.

  
\_\_\_\_\_  
Jean L. Pinkston

Respectfully submitted,

  
Jean L. Pinkston  
Registration No. 45,014  
McAFEE & TAFT  
Tenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
Phone: (405) 552-2249  
Fax: (405) 228-7449  
Email: [jean.pinkston@mcafeetaft.com](mailto:jean.pinkston@mcafeetaft.com)  
Attorney for Applicant